HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.2907 of 2005
Date of decision : 30.10.2006.

Gurkaran Singh .....Petitioner
versus
Jaspal Singh and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.B.S.Sidhu, Advocate for the petitioner.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 5.5.2005, passed by the learned trial Court, whereby an application filed by the petitioner for cross-examination of the plaintiffs' witnesses after exparte proceedings against the petitioner were set-aside, was declined.

Admittedly, the petitioner has purchased the property in dispute vide sale deed dated 5.12.2001 i.e. during the pendency of the suit. The impleadment of the petitioner-defendant is as assignee and the petitioner cannot take a plea which was not available to his vendor. Since the petitioner has purchased the property during the pendency of the suit, the plea of bonafide purchaser sought to be raised by the petitioner is not available to him. Admittedly, the vendor of the petitioner has cross-examined the witnesses produced by the plaintiffs, therefore, the petitioner cannot claim any right to recall the witnesses for their cross-examination.

I do not find any illegality or irregularity in the orders passed by the learned trial Court, which may warrant interference by this Court in its revisional jurisdiction.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

October 30, 2006.
**mohinder*